



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,899	03/24/2004	Sang-Eun Nam	2060-3105	7413

7590 05/26/2006

JONATHAN Y. KANG, ESQ.
LEE, HONG, DEGERMAN, KANG & SCHMADEKA
14th Floor
801 S. Figueroa Street
Los Angeles, CA 90017-5554

EXAMINER

SAMS, MATTHEW C

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/808,899	NAM, SANG-EUN	
	Examiner	Art Unit	
	Matthew C. Sams	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Amendment

2. This office action has been changed in response to the amendment filed on 3/17/2006.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Art Unit: 2617

4. Claims 1 and 11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/808,776. Although the conflicting claims are not identical, they are not patentably distinct from each other as seen in the sample claim listed below.

10/808,899	10/808,776
Claim 1: A locking mechanism, comprising a plurality of spring loaded locking members	Claim 1: A locking mechanism, comprising at least one latching member;
a lock release device operatively coupled to the plurality of locking members; and a plurality of latching members being securely gripped by the plurality of locking members wherein the lock release device is in partial frictional contract with the plurality of locking members under the spring bias of each of the locking members and	at least one spring loaded locking member adapted to securely engage said at least one latching member at one end when said at least one latching member is fully inserted in at least one spacing provided a said one end, said at least one latching member forcing said at least one spring loaded locking member to move against its spring bias when said at least one latching member is being inserted in said at least one spacing, said at least one spring loaded locking member having moved under its spring bias when said at least one latching member is fully inserted in said at least one spacing; and
wherein each latching member being released from the grip of the corresponding locking member when the lock release device is forced in frictional sliding contact with the plurality of locking members against the spring bias of each of the locking members.	means for moving said at least one spring loaded locking member against its spring bias to allow said at least one fully inserted latching member to disengage from said at least one spring loaded locking member.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-17, 19 & 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Deguchi (US-5,716,730).

Regarding claim 1, Deguchi teaches a plurality of spring loaded locking members (Fig. 4 [3]), a lock release device operatively coupled to the plurality of locking members (Fig. 4 [8]), a plurality of latching members being securely gripped by the plurality of locking members (Fig. 3 [13 & 14]), wherein the lock release device is in partial frictional contact with the plurality of locking members under the spring bias of each of the locking members (Figs. 5A, 5B, 5C and 7), and wherein each latching member being released from the grip of the corresponding locking member when the lock release device is forced in frictional sliding contact with the plurality of locking members against the spring bias of each of the locking members. (Figs. 6, 7 and Col. 5 line 54 through Col. 6 line 23)

Regarding claim 2, Deguchi teaches the plurality of latching members and the plurality of locking members are used to removably lock a battery cover to the main body of a mobile telephone set. (Fig. 3 & 6)

Regarding claim 3, Deguchi teaches each of the locking members includes at least one locking leg adapted to grip the corresponding latching member to secure the battery cover to the main telephone body. (Figs. 6 & 7 [3])

Regarding claim 4, Deguchi teaches the lock release device includes a first surface adapted to match the curvature of a corresponding second surface on each locking member. (Figs. 4 & 5C [4 & 8B] and Col. 4 line 62 through Col. 5 line 15)

Regarding claim 5, Deguchi teaches the first and second surfaces have an inclined configuration. (Fig. 4 [4 & 8])

Regarding claim 6, Deguchi teaches the lock release device is spring-loaded. (Fig. 4 [7])

Regarding claim 7, Deguchi teaches at least one locking member is adapted to move in a first direction against its spring bias. (Fig. 5B [A])

Regarding claim 8, Deguchi teaches the lock release device is adapted to move in a second direction against its spring bias. (Fig. 2C [24])

Regarding claim 9, Deguchi teaches the second direction is substantially perpendicular to the first direction. (Fig. 2C)

Regarding claim 10, Deguchi teaches the first and second inclined surfaces are in frictional sliding contact when the lock release device is forced to move in the second direction. (Col. 5 lines 54-64 and Fig. 5C)

Regarding claim 11, Deguchi teaches a locking mechanism for securing a battery compartment cover to a mobile terminal body (Fig. 1) comprising a first and second spring loaded locking member (Fig. 4 [3] e.g. 'two prongs'), a lock release device

Art Unit: 2617

operatively coupled to the first and second locking members (Figs. 4 and 5A-C [8]), a first and second latching member being securely gripped by the first and second locking members, wherein the lock release device is in partial frictional contact with the first and second locking members under the spring bias of each of the locking members (Figs. 5A, 5B, 5C and 7), and wherein each latching member being released from the grip of the corresponding locking member when the lock release device is forced in frictional sliding contact with the first and second locking members against the spring bias of each of the locking members. (Figs. 6, 7 and Col. 5 line 54 through Col. 6 line 23)

Regarding claim 12, Deguchi teaches the lock release device includes a first surface adapted to match the curvature of a corresponding second surface on each locking member. (Fig. 7 [13 & 14])

Regarding claim 13, Deguchi teaches that each the first and second surfaces have an inclined configuration. (Fig. 4 & 5C [4 & 8B])

Regarding claim 14, Deguchi teaches the lock release device is spring-loaded. (Fig. 16 [64 & 66])

Regarding claim 15, Deguchi teaches the first locking member is adapted to move in a first direction against its spring bias and the second locking member is adapted to move in a second direction against its spring bias. (Fig. 4 [3] and Fig. 5B [A])

Regarding claim 16, Deguchi teaches the lock release device is adapted to move in a third direction against its spring bias. (Fig. 2C [Arrows])

Regarding claim 17, Deguchi teaches the third direction is substantially perpendicular to each of the first and second directions. (Fig. 2C [Arrows])

Regarding claim 19, Deguchi teaches the first and second inclined surfaces are in frictional sliding contact when the lock release device is forced to move in the second direction. (Col. 5 lines 54-64 and Fig. 5C)

Regarding claim 20, Deguchi teaches that the locking members include at least one locking leg adapted to grip the corresponding latching member to secure the battery cover to the terminal body. (Figs. 6 and 7 [13])

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi in view of Jaster (US-2,797,116).

Deguchi teaches a locking mechanism of claim 16 above, but differs from the claimed invention by not explicitly reciting the first direction is substantially different than the second direction.

In an analogous art, Jaster teaches a latching assembly with two hooks (Fig. 4 [77 & 83]), biased by two separate springs (Fig. 4 [85 & 89]) that move in two different directions (Fig. 4 and Col. 3 line 65 through Col. 6 line 25) and are controlled by a single

Art Unit: 2617

release (Fig. 4 [93]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the mounting structure of Deguchi after modifying it to incorporate the opposing hooks and springs of Jaster. One of ordinary skill in the art would have been motivated to do this since having opposing spring biases minimizes the chance of a undesired release from a jarring impact.

Response to Arguments

9. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS
5/18/2006


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER